



Bhutan

Country Reports on Human Rights Practices - [2001](#)

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Bhutan is ruled by a hereditary monarch, King Jigme Singye Wangchuk, who governs with the support of a National Assembly and a Council of Ministers. There is no written constitution to protect fundamental political and human rights. Since ascending the throne in 1972, the King has continued the efforts toward social and political modernization begun by his father. In the last few years, Bhutan has improved rapidly services in education, health care, sanitation, and communications, with parallel but slower development of representative governance and decisionmaking. In recent years, Bhutan has adopted some measures to increase the power of the National Assembly. The judiciary is not independent of the King.

The Royal Bhutan Police (RBP), assisted by the Royal Bhutan Army (including those assigned to the Royal Body Guard), and a national militia maintain internal security. Some members of these forces committed human rights abuses.

The economy is based on agriculture and forestry, which provide the main livelihood for 90 percent of the population and account for approximately half of the gross domestic product (GDP). The gross national product (GNP) per capita is estimated to be \$600. Agriculture largely consists of subsistence farming and animal husbandry. Citrus fruit, cardamom, and other spices are the leading agricultural exports. Cement and electricity are the other important exports. Strong trade and monetary ties link the economy closely to that of India. Hydroelectric power production potential and tourism are key resources, although the Government limits tourism because of inadequate infrastructure and environmental and cultural concerns. Tourist arrivals also are limited by a requirement that tourists purchase a high minimum daily rate holiday package before visiting the country.

The Government's human rights record remained poor, and problems remain in several areas. Citizens do not have the right to change their government. The King exercises strong, active, and direct power over the Government. The Government discourages political parties, and none operate legally. Arbitrary arrest and detention remain problems, and reports continue of torture and abuse of detainees. Impunity for those who commit abuses also is a problem. Judges serve at the King's pleasure, and the Government limits significantly the right to a fair trial. In April 2000, the Government established the Department of Legal Affairs as a result of a review of the Basic Law. Programs to build a body of written law and to train lawyers are progressing. The Government limits significantly citizens' right to privacy. The Government restricts freedom of speech, press, assembly, and association. Citizens face significant limitations on freedom of religion. Approximately two-thirds of the government-declared population of 600,000 persons is composed of Buddhists with cultural traditions akin to those of Tibet. The Buddhist majority consists of two principal ethnic and linguistic groups: The Ngalongs of the western part of the country and the Sharchops of the eastern part of the country. The remaining third of the population, ethnic Nepalese, most of whom are Hindus, live in the country's southern districts. Government efforts to institute policies designed to preserve the cultural dominance of the Ngalong ethnic group, to change citizenship requirements, and to control illegal immigration resulted in political protests, ethnic conflict, and repression of ethnic Nepalese in southern districts during the late 1980's and early 1990's. Tens of thousands of ethnic Nepalese left the country in 1991-92, many of whom were expelled forcibly. According to the U.N. High Commissioner for Refugees (UNHCR), as of mid-June 2000, 98,269 ethnic Nepalese remained in 7 refugee camps in eastern Nepal; upwards of 15,000 reside outside of the camps in the Indian states of Assam and West Bengal. The Government maintains that some of those in the camps never were citizens, and therefore have no right to return. In 1998 the Government began resettling Buddhist Bhutanese from other regions of the country on land in southern districts vacated by the ethnic Nepalese living in refugee camps in Nepal, which is likely to complicate any future return of the ethnic Nepalese.

The Government continues its negotiation with the Government of Nepal on procedures for the screening and

repatriation of ethnic Nepalese in the refugee camps. A ministerial-level bilateral meeting in November failed to resolve disputes concerning the categorization of refugees in terms of eligibility for their eventual repatriation. The Government restricts worker rights.

The Government claims that it has prosecuted government personnel for unspecified abuses committed in the early 1990's; however, there is little indication that the Government has investigated adequately or punished any security force officials involved in torture, rape, and other abuses committed against ethnic Nepalese residents.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

Domestic human rights groups allege that the Government has taken no action to punish a government official for the 1998 killing of Buddhist monk Gomchen Karma. The Government stated that the shooting was accidental, that the official responsible has been suspended from duty and charged in connection with the incident, and that his case was being heard as of September 2000.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and abuse; however, human rights advocates state that in practice the security forces ignore these provisions. No one was prosecuted in connection with violating prohibitions against torture during the year. In 1999 and 2000 there were reports that security forces stopped ethnic Nepalese refugees attempting to return to the country, beat them or tortured them, and sent them back across the border. Refugee groups state that this has discouraged others from trying to return to the country.

Refugee groups credibly claim that persons detained as suspected dissidents in the early 1990's were tortured and/or raped by security forces. During those years, the Government's ethnic policies and the crackdown on ethnic Nepalese political agitation created a climate of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. The Government denies that these abuses occurred but also claims that it has investigated and prosecuted three government officials for unspecified abuses of authority during that period. Details of these cases have not been made public.

Prison conditions reportedly are adequate, if austere. Visits by the International Committee of the Red Cross (ICRC) and the opening of a new prison in Thimphu (in 1994) contributed to improving conditions of detention. However, human rights groups active outside the country maintain that prison conditions outside of the capital city of Thimphu remain oppressive.

The Government and the ICRC signed a new Memorandum of Understanding in September 1998, extending the ICRC prison visits program for another 5 years. The ICRC conducted two prison visits during the year, as it has done for each of the past 7 years, and was allowed unhindered access.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. Under the law, police may not arrest a person without a warrant and must bring an arrested person before a court within 24 hours, exclusive of travel time from place of arrest. However, legal protections are incomplete, due to the lack of a fully developed criminal procedure code and to deficiencies in police training and practice. Incommunicado detention, particularly of Nepalese refugees returning without authorization, is still known to occur. Incommunicado detention of suspected militants was a serious problem in the early 1990's, but the initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members has helped to allay this problem. Of those detained in connection with political dissidence and violence in southern areas in 1991-92, 29 continue to serve sentences after conviction by the High Court.

On May 6, Damber Pulami, a refugee living in a camp in Nepal, was arrested in the country. Pulami reportedly was a member of the Youth Organization of Bhutan (the youth wing of the banned Bhutan People's Party) and had gone to the country to check on the internal resettlement of non-Nepalese to the south. Amnesty International (AI) has not received a response to queries about the charges against him, his whereabouts, and his physical condition, although according to one human rights group Pulami is in Chemgang Jail in Thimphu. According to AI, Tul Man Tamang, a 30-year-old construction worker was arrested in June on suspicion of organizing political activities. He reportedly was taken to a police station at Chimakothi in Chhukha district where he allegedly was tortured, held incommunicado in a dark cell, and forced to sign a statement saying he was leaving the country voluntarily before being forcibly exiled to India. Ugyen Tenzing, a member of the Druk-Yul Peoples' Democratic Party, reportedly was arrested in Samtse district in June. N.L. Katwal, a central committee member of the Bhutan Gorkha National Liberation Front, was one of more than 55 persons arrested during a demonstration in Phuntsholing in April 2000. In December 2000 he was sentenced to 13 years and 6 months in prison. He was serving his sentence in Chamgang Jail at year's end.

Rongthong Kunley Dorji, former leader of the Druk National Congress (DNC) and United Front for Democracy in Bhutan (UFD), was arrested in India in April 1997, following the issuance of an extradition request by Bhutanese authorities. Human rights groups contend that the charges brought against Dorji by the Bhutanese government are motivated politically and constitute an attempt by the Government to suppress his prodemocracy activities. In June 1998, an Indian court released Dorji on bail but placed restrictions on his movements. Dorji's extradition case still is pending in the Indian courts and is proceeding slowly. According to a refugee-based human rights group, only one prosecution witness, a Joint Secretary in India's Ministry of External Affairs, has been cross-examined in the last 40 months. The next witness, another Indian government official, is scheduled to testify in February 2002.

In the past, according to AI, many persons have been detained on suspicion of being members or supporters of the DNC. Only one such arrest was reported in 2000 and one during the year, but human rights groups allege that arrest and abuse of refugees returning to the country without authorization continue to occur but go unreported by the Government. There were no peaceful protest marches from India to Bhutan during the year, perhaps due to fear of arrests and deportation, as occurred in previous years after such marches. Persons holding peaceful marches from India to Bhutan charge that in 1999 the Bhutanese police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5). By one estimate, approximately 100 marchers were arrested and deported in 1999. The Government acknowledged that 58 persons whom it described as terrorists were serving sentences at the end of 1998 for crimes including rape, murder, and robbery.

Although the Government does not use exile formally as punishment, many accused political dissidents freed under Government amnesties state that they were released on the condition that they depart the country. Many of them subsequently registered at refugee camps in Nepal. The Government denies this.

e. Denial of Fair Public Trial

There is no written constitution, and the judiciary is not independent of the King.

The judicial system consists of district courts and a High Court in Thimphu. Judges are appointed by the King on the recommendation of the Chief Justice and may be removed by the King. Village headmen adjudicate minor offenses and administrative matters.

An Office of Legal Affairs (OLA) was established in March 2000. The responsibilities of the OLA are to conduct state prosecutions, draft and review legislation, and render legal counsel. By September a department head and all staff were in place. The OLA is composed of a Legal Services Division (which eventually is to become the Ministry of Law and Justice) with domestic, international, and human rights sections; and a Prosecution Division (which eventually is to become the Attorney General's office), with a criminal section and a civil section.

Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17th century and revised in 1958 and 1965. State-appointed prosecutors file charges and prosecute cases for offenses against the State. In other cases, the relevant organizations and departments of government file charges and conduct the prosecution. Defendants are supposed to be presented with written charges in languages that they understand and given time to prepare their own defense. However, according to some political dissidents this practice is not always followed. In cases where defendants cannot write their own defense, courts assign judicial officers to assist defendants. There were reports that defendants receive legal representation at trial, and that they may choose from a list of 150 government-licensed and employed advocates to assist with their defense; however, it is not known how many defendants actually receive such assistance. A legal education program gradually is building a body of persons who have received formal training abroad in the law. For

example, the Government sends many lawyers to India and other countries for legal training; 54 persons have completed legal studies abroad, and 43 more are enrolled. Village headmen, who have the power to arbitrate disputes, constitute the bottom rung of the judicial system. Magistrates, each with responsibility for a block of villages, can review their decisions. Magistrates' decisions can be appealed to district judges, of which there is one for each of the country's 20 districts. The High Court in Thimphu is the country's supreme court.

Defendants have the right to appeal to the High Court and may make a final appeal to the King, who traditionally delegates the decision to the Royal Advisory Council. Trials are supposed to be conducted in open hearings, but there are allegations that this is not always the case in practice.

Questions of family law, such as marriage, divorce, and adoption, traditionally are resolved according to a citizen's religion: Buddhist tradition for the majority of the population and Hindu tradition for the ethnic Nepalese. Nonetheless the Government states that there is one formal law that governs these matters.

Some or all of the approximately 75 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991-92, may be political prisoners (see Section 1.e.).

On December 17, 1999, the King pardoned 200 prisoners to mark National Day; all reportedly were released. Among them were 40 persons convicted of "antinational" offenses, including Tek Nath Rizal, a prominent ethnic Nepalese dissident, and internationally recognized political prisoner. He was convicted in 1992 of "antinational" crimes, including writing and distributing political pamphlets and attending political meetings. In 2000 Rizal was granted permission to leave the country to receive medical treatment in India. He has since returned to the country. According to AI, property confiscated from Rizal during his arrest has not been restored to him.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There are no laws providing for these rights. According to human rights groups, police regularly conduct house-to-house searches for suspected dissidents without explanation or legal justification. The Government requires all citizens, including minorities, to wear the traditional dress of the Buddhist majority when visiting Buddhist religious buildings, monasteries, or government offices; in schools, and when attending official functions and public ceremonies.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government restricts freedom of speech, and to a lesser extent freedom of the press. The country's only regular publication is Kuensel, a weekly newspaper with a circulation of 15,000. It also reports stories on a daily basis through its on-line edition. Kuensel was formerly government-run, and human rights groups in the past stated that government ministries reviewed editorial material and suppressed or changed content. According to the Government, Kuensel is independent and is funded entirely through advertising and subscription revenue. Its board consists of a mix of senior civil servants and private individuals. Kuensel, which is published simultaneously in the English, Dzongkha, and Nepali languages, supports the Government but does occasionally report criticism of the King and of government policies in the National Assembly. The Government maintains that there are no restrictions on individuals starting new publications, but that the market is too small to support any. Nepalese, Indian, and other foreign newspapers and magazines are available, but readership is in the hundreds and primarily limited to government officials.

After a 10-year ban on private television reception, in 1999 the Government introduced local television broadcasting with the inauguration of the Bhutan Broadcasting Service. The service broadcasts locally produced and foreign programs. In late 1999 the Government began licensing cable operators. There are more than 27 cable providers in the country with more than 10,000 subscribers. A large variety of programming is available, including CNN, and BBC. The Government does not censor cable content. The Government radio station broadcasts each day in the four major languages (Dzongkha, Nepali, English, and Sharchop).

The Government inaugurated the country's first Internet service provider, Druknet, in June 1999; it had 1,820 subscribers as of late 2000. There are internet cafes in Thimpu, Phuentsholing and Bumthang. The Government does not censor any content on Druknet except for pornography, which is blocked.

There are no reported restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association

The Government restricts freedom of assembly and association. Citizens may engage in peaceful assembly and association only for purposes approved by the Government. Although the Government allows civic and business organizations, there are no legally recognized political parties. The Government regards parties organized by ethnic Nepalese exiles--the Bhutan People's Party (BPP), the Bhutan National Democratic Party (BNDP), and the Druk National Congress--as "terrorist and antinational" organizations and has declared them illegal. These parties, which seek the repatriation of refugees and democratic reform, do not conduct activities inside the country.

c. Freedom of Religion

The Government restricts freedom of religion. The Drukpa branch of the Kagyupa School of Mahayana Buddhism is the state religion. Approximately two-thirds of the population practice either Drukpa Kagyupa or Ningmapa Buddhism.

The Drukpa branch is practiced predominantly in the western and central parts of the country, which are inhabited mainly by ethnic Ngalongs (descendants of Tibetan immigrants who predominate in government and the civil service, and whose cultural norms have been declared to be the standard for all citizens). The Ningmapa school is practiced predominantly in the eastern part of the country, although there are adherents, including the royal family, in other areas. Most of those living in the east are ethnic Sharchops--the descendants of those thought to be the country's original inhabitants. The Government subsidizes monasteries and shrines of the Drukpa sect and provides aid to approximately one-third of the Kingdom's 12,000 monks. The Government also provides financial assistance for the construction of Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. In the early 1990's, the Government provided funds for the construction of new Hindu temples and centers of Sanskrit and Hindu learning and for the renovation of existing temples and places of Hindu learning. The Drukpa branch of Buddhism enjoys statutory representation in the National Assembly (Drukpa monks occupy 10 seats in the 150-member National Assembly) and in the Royal Advisory Council (Drukpa monks hold 2 of the 11 seats on the Council); the Drukpa branch is an influential voice on public policy. Citizens of other faiths, mostly Hindus, enjoy freedom of worship but may not proselytize. Followers of religions other than Buddhism and Hinduism generally are free to worship in private homes but may not erect religious buildings or congregate in public. Under the law, conversions are illegal. Some of the country's few Christians, mostly ethnic Nepalese living in the south, state that they are subject to harassment and discrimination by the Government, local authorities, and non-Christian citizens.

The King has declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize, but international Christian relief organizations and Jesuit priests are active in education and humanitarian activities. The Government restricts the import into the country of printed religious matter; only Buddhist religious texts can be imported. According to dissidents living outside of the country, Buddhist religious teaching, of both the Drukpa Kagyupa and Ningmapa sects is permitted in the schools, but teaching of other religious faiths is not. Applicants for government services sometimes are asked their religion before services are rendered. All government civil servants, regardless of religion, are required to take an oath of allegiance to the King, the country, and the people. The oath does not have religious content, but a Buddhist lama administers it.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens traveling in border regions are required to show their citizenship identity cards at immigration check points, which in some cases are located at a considerable distance from what is in effect an open border with India. By treaty citizens may reside and work in India.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol (See Section 5). The Government states that it recognizes the right to asylum in accordance with international refugee law; however, the Government has not formulated a policy regarding refugees, asylees, first asylum, or the return of refugees to countries in which they fear persecution.

According to one credible human rights source, until recently the Government systematically arrested and imprisoned Tibetan refugees crossing the border with Tibet. This policy was followed under a tacit agreement with China. So invariable was this policy that Tibetan leaders advised refugees not to use routes of escape through Bhutan, and refugees have not done so for several years. Since Tibetans effectively are the only refugee population seeking first asylum in the country, the issue of first asylum did not arise during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The country is a monarchy with sovereign power vested in the King. In 1998 the King devolved his day-to-day executive powers to the Council of Ministers, who are elected by the National Assembly from among themselves, but reserved control of "matters of national sovereignty and national security" for himself. He also introduced term limits for his Council of Ministers and proposed measures to increase the role of the National Assembly in the formation of his Government. The National Assembly elected a new Council of Ministers and Government in July 1998 to a 5-year term. In July the National Assembly elected six Royal Advisory Councilors. There are elected or partially elected assemblies at the local, district, and national levels, and the Government claims to encourage decentralization and citizen participation. These elections are conducted in much the same way as National Assembly elections. Since 1969 the National Assembly has had the power to remove ministers whom the King appoints, but it never has done so. Political authority ultimately resides in the King, and decisionmaking involves only a small number of officials. Officials subject to questioning by the National Assembly routinely make major decisions, but the National Assembly is not known to have overturned any decisions reached by the King and government officials.

Political parties do not exist legally, and the Government discourages their formation as divisive. The Government has banned parties established abroad by ethnic Nepalese (see Section 2.b.).

The National Assembly has 150 members. Of these, 105 are elected indirectly by heads of household, 10 are selected by a part of the Buddhist clergy, and the remaining 35 are appointed by the King to represent the Government. The National Assembly, which meets irregularly, has little independent authority. However, there are efforts underway to have the National Assembly meet on a more regular basis, and in recent years the King and the Council of Ministers have been more responsive to the National Assembly's concerns. The procedures for the nomination and election of National Assembly members state that in order to be eligible for nomination as a candidate, a person must be a citizen of Bhutan; be at least 25 years of age; not be married to a foreign national; not have been terminated or compulsorily retired for misconduct from government service; not have committed any act of treason against the King, the populace, and country; have no criminal record or any criminal case pending against him; have respect for the nation's laws; and be able to read and write in Dzongkha (the language, in several dialects, spoken by Bhutanese Buddhists).

Each National Assembly constituency consists of a number of villages. Each village is permitted to nominate one candidate but must do so by consensus. There is no provision for self-nomination, and the law states that no person may campaign for the candidacy or canvass through other means. If more than one village within a constituency puts forward a candidate, an election is conducted by the district development committee, and the candidate obtaining a simple majority of votes cast is declared the winner. Individuals do not have the right to vote; every family in a village is entitled to one vote in elections. The law does not make clear how a candidate is selected if none achieves a simple majority. However, it does state that in case of a tie among the candidates in the election, selection shall be made through the drawing of lots. The candidate whose name is drawn shall be deemed to be elected.

Human rights activists claim that the only time individual citizens have any involvement in choosing a National Assembly representative is when they are asked for consensus approval of a village candidate by the village headman. The name put to villagers for consensus approval by the headman is suggested to him by district officials, who in turn take their direction from the central Government. Consensus approval takes place at a public gathering. Human rights activists state that there is no secret ballot.

The National Assembly enacts laws, approves senior government appointments, and advises the King on matters of national importance. Voting is by secret ballot, with a simple majority needed to pass a measure. The King may not formally veto legislation, but may return bills for further consideration. The Assembly occasionally rejects the King's recommendations or delays implementing them, but in general, the King has enough influence to persuade the Assembly to approve legislation that he considers essential or to withdraw proposals he opposes. The Assembly may question government officials and force them to resign by a two-thirds vote of no confidence; however, the National Assembly never has compelled any government official to resign. The Royal Civil Service Commission is responsible for disciplining subministerial level government officials and has removed several following their convictions for crimes, including embezzlement.

In 1998 the King issued a decree setting out several measures intended to increase the role of the National Assembly in the formation and dissolution of his Government. The decree, later adopted by the 76th session of the National Assembly, provided that all cabinet ministers are to be elected by the National Assembly and that the roles and responsibilities of the cabinet ministries are to be spelled out. Each cabinet minister is to be elected by simple majority in a secret ballot in the National Assembly from among candidates nominated by the King. The King is to select nominees for cabinet office from among senior government officials holding the rank of secretary or above. The King is to determine the portfolios of his ministers, whose terms are limited to 5 years, after which they must pass a vote of confidence in the National Assembly in order to remain in office. Finally the decree provided that the National Assembly, by a two-thirds vote of no confidence, can require the

King to abdicate and to be replaced by the next person in the line of succession. After adopting the decree, the National Assembly elected a new council of ministers consistent with it. Human rights groups maintain that since only the King may nominate candidates for cabinet office, their election by the National Assembly is not a significant democratic reform. The King removed himself as Chairman of the Council of Ministers in 1998. Based on an election held in the National Assembly in 1998, Cabinet Ministers who received the most votes rotate the position on a yearly basis. The Chairman of the Council of Ministers serves as Prime Minister and Head of Government. In August Trade and Industry Minister Khundu Wangchuk became Chairman.

The percentage of women in government or politics does not correspond to their numbers in the population. The persistence of traditional gender roles apparently accounts for a low proportion of women in government, although women have made visible gains. A total of 15 women hold seats in the National Assembly, 23 percent of civil service employees are women, and women hold more than 30 percent of positions at the Ministry of Foreign Affairs.

There are 105 elected people's representatives in the National Assembly. All major ethnic groups are represented in the National Assembly, including 14 ethnic Nepalese.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no legal human rights nongovernmental organizations (NGO's) in the country. The Government regards human rights groups established by ethnic Nepalese exiles--the Human Rights Organization of Bhutan, the People's Forum for Human Rights in Bhutan, and the Association of Human Rights Activists-Bhutan--as political organizations and does not permit them to operate in the country. AI was permitted to visit in 1998, and later released a report.

ICRC representatives continue twice yearly prison visits, and the Government has allowed them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The chairman and members of the U.N. Human Rights Commission Working Group on Arbitrary Detention have made two visits to the country.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Ongoing government efforts to cultivate a national identity rooted in the language, religion, and culture of the Ngalong ethnic group restrict cultural expression by other ethnic groups. In the late 1980's and early 1990's, the Government instituted policies designed to preserve the cultural dominance of the Ngalong ethnic group. It also committed many abuses against the ethnic Nepalese, which led to the departure of tens of thousands of them. Many ethnic Nepalese were expelled forcibly, and almost 100,000 of them remain in refugee camps in Nepal. At the time, the Government claimed that it was concerned about the rapid population growth of and political agitation by the ethnic Nepalese. The Government claims that ethnic and gender discrimination in employment is not a problem. It claims that ethnic Nepalese fill 22 percent of government jobs, which is slightly less than their proportion of the total population. Bhutanese human rights groups active outside the country claim that ethnic Nepalese actually make up approximately 35 percent of the country's population and that the Government underreports their number. Women are accorded respect in the traditions of most ethnic groups, although some exile groups claim that gender discrimination is a problem.

Women

There is no evidence that rape or spousal abuse are extensive problems. For example, in 1999 there were 10 reported rapes nationwide. In the south, in the early 1990s, there were widespread reports of the rape of large numbers of ethnic Nepalese women, including by government forces. The Government denied these reports.

In 1996 the National Assembly adopted a revised Rape Act. The law contains a clear definition of criminal sexual assault and specifies penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life. There are few known instances of sexual harassment.

Women constitute 48 percent of the population and participate freely in the social and economic life of the country. Approximately 43 percent of enrollment in school is female. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be observed if the heirs choose to forego legal challenges. Dowry is not customary, even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters reportedly account for the large numbers of women who own shops and businesses and for an accompanying tendency of women to drop out of higher education to go into business. However, female school enrollment has been growing in

response to government policies. Women increasingly are found among senior officials and private sector entrepreneurs, especially in the tourism industry. Women in unskilled jobs generally are paid slightly less than men.

Polygamy is allowed, provided the first wife gives her permission. Marriages may be arranged by the marriage partners themselves as well as by their parents. Divorce is common. Existing legislation requires that all marriages must be registered; it also favors women in matters of alimony.

Children

The Government has demonstrated its commitment to child welfare by its rapid expansion of primary schools, healthcare facilities, and immunization programs. Mortality rates for both infants and children under 5 years dropped significantly since 1989. The Government provides free and compulsory primary school education, and primary school enrollment has increased 9 percent per year since 1991, with enrollment of girls increasing at an even higher rate. Government policies aimed at increasing enrollment of girls increased the proportion of girls in primary schools from 39 percent in 1990 to 45 percent during the year. In 1999 the participation rate for children in primary schools was estimated at 72 percent, with the rate of completion of 7 years of schooling at 60 percent for girls and at 59 percent for boys. There is no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese that were closed in 1990 remain closed. The closure of the schools acts as an effective barrier to the ability of the ethnic Nepalese in southern areas to obtain a primary education. Exile groups claim that Nepalese students scoring highly on national exams are not always given the same advantages as other students (such as the chance to study abroad at government expense), particularly if they are related to prominent dissidents or refugees.

There is no societal pattern of abuse against children. Children enjoy a privileged position in society and benefit from international development programs focused on maternal and child welfare. A study by the United Nations Children's Fund (UNICEF) found that boys and girls receive equal treatment regarding nutrition and health care and that there is little difference in child mortality rates between the sexes.

Persons with Disabilities

There is no evidence of official discrimination toward persons with disabilities, but the Government has not passed legislation mandating accessibility for persons with disabilities. Societal discrimination against persons with disabilities remains a problem.

National/Racial/Ethnic Minorities

Ethnic Nepalese have lived in the southern part of the country for centuries, and the early phases of economic development at the turn of the century brought a large influx of additional ethnic Nepalese. Early efforts at national integration focused on assimilation, including financial incentives for intermarriage, education for some students in regions other than their own, and an increase in development funds for the south. However, in the late 1980's, concern over the increase in the population of and political agitation among ethnic Nepalese prompted aggressive government efforts to assert a national culture, to tighten control over southern regions, to control illegal immigration, to expel ethnic Nepalese, and to promote national integration.

Beginning in 1989, more discriminatory measures were introduced, aimed at shaping a new national identity known as Drukpa. Drukpa is based on the customs of the non-ethnic Nepalese Ngalong ethnic group predominant in the western part of the country. Measures included a requirement that national dress be worn for official occasions and as a school uniform, the teaching of Dzongkha as a second language in all schools, and an end to instruction in Nepali as a second language.

During the mid- and late 1980's, citizenship became a highly contentious matter. Requirements for citizenship first were formalized in the Citizenship Law of 1958, which granted citizenship to all adults who owned land and had lived in the country for at least 10 years. However, in 1985 a new citizenship law significantly tightened requirements for citizenship and resulted in the denaturalization of many ethnic Nepalese. The 1985 law required that both parents be citizens in order to confer citizenship on a child, and that persons seeking to prove citizenship through their own or their parents' residency in 1958 be able to prove residency in the country at that time. In many cases, persons were unable to produce the documentation necessary, such as land tax receipts from 1958, to show residency. The law permits residents who lost citizenship under the 1985 law to apply for naturalization if they can prove residence during the 15 years prior to that time. The Government declared all residents who could not meet the new citizenship requirements to be illegal immigrants. Beginning in 1988, the Government expelled large numbers of ethnic Nepalese through

enforcement of the new citizenship laws.

The 1985 Citizenship Act also provides for the revocation of the citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the King, country, and people of Bhutan." The Home Ministry later declared in a circular that any nationals leaving the country to assist "antinationals," and the families of such persons, would forfeit their citizenship. Human rights groups allege that these provisions were used widely to revoke the citizenship of ethnic Nepalese who subsequently were expelled or otherwise departed from the country. In response to the perceived repression, ethnic Nepalese protested, sometimes violently. The protests were led by the Bhutan Peoples' Party (BPP), which advocated full citizenship rights for ethnic Nepalese and for democratic reforms. Characterizing the BPP as a "terrorist" movement backed by Indian sympathizers, the authorities cracked down on its activities and ordered the closure of local Nepalese schools, clinics, and development programs after several were raided or bombed by dissidents. There were credible reports that many ethnic Nepalese activists were beaten and tortured while in custody, and that security forces committed acts of rape. There also were credible reports that militants, including BPP members, attacked and killed census officers and other officials, and engaged in bombings.

Local officials took advantage of the climate of repression to coerce ethnic Nepalese to sell their land below its fair value and to emigrate. Beginning in 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and take refuge in Nepal. Many ethnic Nepalese also were forced to sign "voluntary migration forms" wherein they agreed to leave the country, after local officials threatened to fine or imprison them for failing to comply. According to UNHCR, there were 98,269 ethnic Nepalese refugees in seven refugee camps in eastern Nepal as of June 2000. An additional 15,000 refugees, according to UNHCR estimates, are living outside the camps in Nepal and India.

Ethnic Nepalese political groups in exile complain that the revision of the country's citizenship laws in 1985 denaturalized tens of thousands of former residents of Bhutan. They also complain that the new laws have been applied selectively and make unfair demands for documentation on a largely illiterate group in a country that only recently has adopted basic administrative procedures. They claim that many ethnic Nepalese whose families have been in the country for generations were expelled because they were unable to document their claims to residence. The Government denies this and asserts that a three-member village committee, typically ethnic Nepalese in southern districts, certifies in writing that a resident is a Bhutanese citizen in cases where documents cannot be produced.

The Government maintains that many of those who departed the country in the early 1990's were Nepalese or Indian citizens who came to the country after the enactment of the 1958 Citizenship law but were not detected until a census in 1988. The Government also claims that many persons registered in the camps as refugees never may have resided in the country. Finally the Government contends that some ethnic Nepalese left the country voluntarily, thus renouncing their Bhutanese citizenship. Human rights organizations credibly dispute this claim. A royal decree in 1991 made forcible expulsion of a citizen a criminal offense. Nevertheless only three officials ever were punished for abusing their authority during this period (see Section 1.c.). According to the UNHCR, the overwhelming majority of refugees who entered the camps since screening began in June 1993 have documentary proof of Bhutanese nationality. Random checks and surveys of camp residents--including both pre-and post-June 1993 arrivals--bear this out.

Since 1994 there has been a series of negotiations between Nepal and Bhutan to resolve the Bhutanese refugee problem. In late December 2000, the two countries agreed upon a system to verify the nationality of Bhutanese refugees in Nepal in preparation for their return to the country. Refugee verifications began in March. By December all the residents of the first camp had been interviewed, and the Bhutanese verification team went back to Thimpu pending the start of verification at the next camp. Refugee groups are concerned that at the present rate, verification will take several years. Bilateral negotiations on repatriation issues in November failed to arrive at an agreement, and the matter was deferred to a proposed future session of ministerial-level talks.

In 1996, 1998, and 1999, refugees held a series of "peace marches" from Nepal to Bhutan to assert their right to return to Bhutan. The marchers charged that the Bhutanese police assaulted them during each march, injuring several demonstrators, and then arrested and deported all of the marchers. A resolution adopted by the National Assembly in 1997 prohibits the still-resident family members of ethnic Nepalese refugees from holding jobs with the Government or in the armed forces. Under the resolution, those holding such jobs were to be retired involuntarily. The Government made clear that for the purposes of this resolution, a family member would be defined as a parent, a child, a sibling, or a member of the same household. The Government states that 429 civil servants, many of them ethnic Nepalese, were retired compulsorily in accordance with the resolution, and that the program was abrogated in November 1997. The Government states that those forced to retire were accorded retirement benefits in proportion to their years of government service.

The Government also began a program in 1998 of resettling Buddhist Bhutanese from other regions of the

country on land in the southern part of the country vacated by the ethnic Nepalese living in refugee camps in Nepal. Human rights groups maintain that this action prejudices any eventual outcome of negotiations over the return of the refugees to the country. The Government maintains that this is not its first resettlement program and that Bhutanese citizens who are ethnic Nepalese from the south sometimes are resettled on more fertile land in other parts of the country. The failure of the Government to permit the return of ethnic Nepalese refugees has tended to reinforce societal prejudices against this group, as has the Government's policy on the forced retirement of refugee family members in government service and the resettlement of Buddhists on land vacated by expelled ethnic Nepalese in the south.

Section 6 Worker Rights

a. The Right of Association

Trade unions are not permitted, and there are no labor unions. Workers do not have the right to strike, and the Government is not a member of the International Labor Organization. The Government maintains that, with very little industrialization, there is little labor to be organized.

b. The Right to Organize and Bargain Collectively

There is no collective bargaining in industry. Industry accounts for approximately 25 percent of the GDP, but employs only a minute fraction of the total work force. The Government affects wages in the manufacturing sector through its control over wages in state-owned industries.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Government prohibits forced or compulsory labor, and there were no reports that such practices occurred. There is no evidence to suggest that domestic workers are subjected to coerced or bonded labor. The law does not specifically prohibit forced and bonded labor by children, but there were no reports that such practices occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The law sets the minimum age for employment at 18 years for citizens and 20 years for noncitizens. A UNICEF study suggested that children as young as 11 years sometimes are employed with roadbuilding teams, which usually are made up of non-Bhutanese guest workers. Children often do agricultural work and chores on family farms. The law specifically does not prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). The country has not ratified ILO Convention 182 on the Worst Forms of Child Labor; however, as a state party to the U.N. Convention on the Rights of the Child, the Government supports the provisions contained therein. The country lacks a large pool of ready labor; for major projects, such as road works, the Government brings in hired laborers from India.

e. Acceptable Conditions of Work

A circular that went into effect in 1994 established wage rates, rules and regulations for labor recruiting agencies, and the regulations for payment of workmen's compensation. Wage rates are revised periodically, and range upward from a minimum of roughly \$2.50 (100 ngultrums) per day plus various allowances paid in cash or kind. This minimum wage provides a decent standard of living for a worker and family. The workday is defined as 8 hours with a 1-hour lunch break. Work in excess of this must be paid at one and one-half times normal rates. Workers paid on a monthly basis are entitled to 1 day's paid leave for 6 days of work and 15 days of leave annually. The largest salaried work force is the government service, which has an administered wage structure last revised in 1988 but supplemented by special allowances and increases. The last such increase was in 1999. According to the latest Census of Manufacturing Industries, only 38 industrial establishments employ more than 50 workers. Smaller industrial units include 39 plants of medium size, 345 small units, 832 cottage industry units, and 2,154 "mini" units. The Government favors family-owned farms. Land laws prohibit a farmer from selling his or her last 5 acres and require the sale of holdings in excess of 25 acres. This, along with the country's rugged geography, results in a predominantly self-employed agricultural workforce. Workers are entitled to free medical care within the country. Cases that cannot be dealt with in the country are flown to other countries (usually India) for treatment. Workers are eligible for compensation for partial or total disability, and in the event of death their families are entitled to compensation. Existing labor regulations do not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.